

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DEON C. STAFFORD	:	CIVIL ACTION
	:	
v.	:	
	:	
DONALD T. VAUGHN (SUPERINTENDENT):	:	
MANNY ARROYO (DEPUTY	:	
SUPERINTENDENT), DAVID	:	
DIGUGLIELMO (DEPUTY	:	
SUPERINTENDENT), GEORGE HILTNER	:	
(SUPERVISOR MAINTENANCE), MRS.	:	
KNAUER (ADMINISTRATION	:	
SUPERVISOR), MR. MCSURDY (FIRE	:	
INSPECTOR SUPERVISOR)	:	NO. 02-3790

ORDER

AND NOW, this day of 2004, upon consideration of
Plaintiff's Motion for Order Compelling Discovery and the Response of Commonwealth
defendants , it is hereby ORDERED and DECREED that Plaintiff's motion is DENIED.

BY THE COURT:

JAN E. DUBOIS, J.

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**COMMONWEALTH DEFENDANTS' RESPONSE
TO PLAINTIFF'S MOTION FOR AN ORDER COMPELLING DISCOVERY**

Commonwealth defendants Vaughn, Arroyo, DiGuglielmo, Hiltner, Knauer and McSurdy respond to Plaintiff's Motion for an Order Compelling Discovery and state:

1. Factual allegations not previously admitted are denied.
2. By Order dated February 23, 2004, this Court directed Commonwealth defendants to provide plaintiff with documents relating to complaints, prior accidents, and records of repairs concerning the part of the steps on which the accident of July 20, 2000 occurred.
3. There is a limited amount of documentation that falls under that category. SCI-Graterford is one of the largest correctional institutions in Pennsylvania, if not the largest. It is located in a semi-rural area of Montgomery County. It occupies approximately 1,800 acres, of which approximately 64 acres are "inside the walls".
4. Nonetheless, Commonwealth defendants provided Plaintiff with sixteen (16) pages of maintenance records in addition to medical records.
5. In his July 18, 2004 letter to Judge DuBois, plaintiff contends that many Maintenance

Work Order (“MWO”) documents were missing from the documents provided.

6. Plaintiff also contends that the documents indicate that, between 1997 and 2000, there were 53 accidents on the stairs in question and that 52 of the 53 names have been redacted.
7. The undersigned represents that plaintiff was provided with all of the relevant documentation with respect to the SCI-Graterford maintenance projects during the relevant time period. MWOs are generally not saved due to the sheer volume of MWOs that are generated on any given day and due to the fact that most involve routine matters.
8. With respect to the 53 accidents that plaintiff believes occurred on the stairs in question, and the redaction of the names of 52 of those accident victims, plaintiff is mistaken.
9. Plaintiff correctly notes that there are 53 accidents logged between December 1998 and August 2000, one month after plaintiff’s accident. However, only six (6) of those accidents involved the stairs in question, plaintiff’s being one of them. The other forty-seven (47) accidents occurred elsewhere in the Institution. The names of the other five (5) victims of accidents on A-Block stairs were redacted because, unlike the Description of plaintiff’s accident which indicates that the stairs “broke”, the Description of the other five (5) accidents indicate that the victim “fell”, “slipped”, or “tripped”. In short, these accidents were not relevant to the condition of the stairs, which is the subject of this lawsuit.
10. True and correct unredacted copies of the disputed documents are available for *in camera* inspection.

WHEREFORE, this Court should deny plaintiff's motion to compel.

GERALD J. PAPPERT
ATTORNEY GENERAL

BY: /s/ Patrick J. McMonagle

Patrick J. McMonagle
Deputy Attorney General
Identification No. 83890

Office of Attorney General
21 S. 12th Street, 3rd Floor
Philadelphia, PA 19107-3603
Telephone No. (215) 560-2933

Susan J. Forney
Chief Deputy Attorney General
Chief, Litigation Section

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CERTIFICATE OF SERVICE

I, Patrick J. McMonagle, Deputy Attorney General, hereby certify that a true and correct copy of the Commonwealth Defendants' Response to Plaintiff's Motion for Order Compelling Discovery was filed electronically and is available for viewing and downloading from the ECF system as of July 29, 2004. I further certify that a true and correct copy of said document was mailed on July 30, 2004, postage prepaid, to:

Deon Stafford, DD-4637
State Correctional Institution at Graterford
P.O. Box 244
Graterford, PA 19426

GERALD J. PAPPERT
ATTORNEY GENERAL

BY: /s/ Patrick J. McMonagle
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